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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 BRUCE BIRCH,

Case No. 3:17-cv-00628-MMD-WGC

8 Plaintiff,

ORDER

9 v.

10 PAM DELPORTO, *et al.*,

11 Defendants.

12 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*  
13 *pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No.  
14 1, 1-1.) The Court has not yet screened the complaint.


15 Plaintiff now files a motion for voluntary dismissal. (ECF No. 4.) Pursuant to  
16 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court  
17 order by filing “a notice of dismissal before the opposing party serves either an answer or  
18 a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s  
19 motion to voluntarily dismiss this action because no responsive pleading has been filed  
20 in this case. As such, the Court dismisses this action without prejudice.

21 For the foregoing reasons, it is ordered that the motion for voluntary dismissal  
22 (ECF No. 4) is granted.

23 It is further ordered that this action is dismissed in its entirety without prejudice.

24 It is further ordered that the Clerk of the Court enter judgment accordingly.

25 DATED THIS 2<sup>nd</sup> day of January 2018

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28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE